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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,065	01/29/2002	Dennis Chia-Bin Chen	53394.000559	3687

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EXAMINER

TRUONG, LINH T

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,065

Applicant(s)

CHEN ET AL.

Examiner

Linh Truong

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-129 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

Claim 14 is objected to because of the following informalities: claim 14 is confusing, it is unclear that the claim states that the front pad has 2 to 4 times more weight of composite material than the back pad. It is suggested that Applicant rewrite the claim language according to the specification: "...the ratio of the weight of core s=composite material in the front pad to the weight of the core composite material... is 2:1 to about 4:1."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 3-12, are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen '6,521,087.

For claims 1 and 3-12, teaches an absorbent article comprising and absorbent core 552; wherein the absorbent core is wrapped and comprises a composite consisting of wood-pulp fibers or cotton fibers (col. 12, lines 38) and 556 superabsorbent particles such as starch, carboxylated cellulose, and etc... and superabsorbent particles under the tradenames SANWET® and FAVOR® (fig. 8 and col. 15, lines 28-49). The absorbent core has a front pad (the region where 556 is at in fig. 8) that has a greater absorptive capacity than its back pad (the region opposite 556) because the front pad has a higher concentration of superabsorbent (col. 50, lines 34-42). Since Hansen teaches an absorbent core with the same exact materials that are disclosed in Applicant's specification, the absorbent core of Hansen is fully capable of exhibiting an absorptive capacity of 32 grams to 60 grams of an aqueous solution containing 1.0 weight % sodium chloride absorbed after 10 minutes of contact with the aqueous solution while under a restraining pressure of about 0.5psi.

Claims 15, 17-22, 24, 26, and 28-29 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hansen '6,521,087.

Hansen teaches an absorbent diaper (and its method of making) inherently (or it is obvious to one with ordinary skill in the art that a diaper comprises a top sheet and a backsheet with an absorbent core between the both and that Hansen's diaper should

also contain all of the above) comprising a top sheet material and a back sheet material, and an absorbent core 552 disposed between the two; wherein the absorbent core is wrapped and comprises a composite consisting of wood-pulp fibers or cotton fibers and (col. 12, lines 38) and 556 superabsorbent particles such as starch, carboxylated cellulose, and etc... and superabsorbent particles under the tradenames SANWET® and FAVOR® (fig. 8 and col. 15, lines 28-49). The absorbent core has a front pad (the region where 556 is at in fig. 8) that has a greater absorptive capacity than its back pad (the region opposite 556) because the front pad has a higher concentration of superabsorbent (col. 50, lines 34-42). Since Hansen teaches an absorbent core with the exact materials that are disclosed in Applicant's specification, the absorbent core of Hansen is fully capable of exhibiting an absorptive capacity of 32 grams to 60 grams of an aqueous solution containing 1.0 weight % sodium chloride absorbed after 10 minutes of contact with the aqueous solution while under a restraining pressure of about 0.5psi.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 16, 23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen '6,521,087.

Hansen teaches a circular insult point/target zone 556 but does not disclose that

the circle is 2 inches in diameter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an insult point of 2 inches in diameter, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105USPQ 233.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen '6,521,087.

Hansen teaches a front pad (target zone) with a heavier zone of superabsorbent (col. 50, lines 34-41) but does not teach that the front pad is 2 to 4 times heavier than the back pad. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a front pad is 2 to 4 times heavier than the back pad, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105USPQ 233.

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen '6,521,087 in view of Niemeyer et al. '5,843,059.

For claim 13, Hansen does not expressly teach the percent of superabsorbent in the absorbent core. Niemeyer et al. teaches a diaper with an absorbent structure comprised of 30 to 100% superabsorbent materials (col. 5, lines 35-40). Therefore, it is obvious to one with ordinary skill in the art at the time the invention was made to provide 35 to 95% of superabsorbent in the absorbent core for maximum absorbency of fluids.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 5,279, 854 and 6,495,734 and U.S. Pub. 2003/0105441 are all drawn to diapers with absorbent cores that comprise superabsorbents.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Truong whose telephone number is 703-605-4974. The examiner can normally be reached on Mondays to Fridays from 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh Truong

L.T.


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